

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ashkenazi et al. Serial No.: 09/665,350 Filed: September 18, 2000 For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	Group Art Unit: 1631 Examiner: Mahatan, C.
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TRANSMITTAL OF PROPERTY RIGHTS STATEMENT TO DOE AND/OR NASA
UNDER 42 U.S.C. §§ 2182 and 2457

Assistant Commissioner of Patents
ATTN: Licensing and Review
Washington, D.C. 20231

Sir:

Applicants submit herewith an executed property rights statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 for the above captioned patent application. This property rights statement is submitted in anticipation of the Patent Office issuing a requirement for such a statement in the above captioned patent application as such a requirement was issued by the Patent Office in other related patent applications. Applicants note that this property rights statement is effective not only for the above captioned patent application, but also for all currently pending continuations of the above captioned patent application as shown in Appendix A which is appended to the fully executed property rights statement submitted herewith.

Also submitted herewith is a declaration by the undersigned patent attorney which serves to set forth the reasons why one of the joint inventors of the above captioned application (and all continuation,

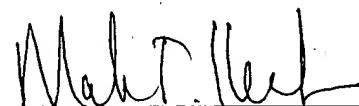
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Serial No.: 09/665,350
Filed: September 18, 2000

divisional and continuation-in-part applications), Nicholas F. Paoni, has refused to sign the herewith enclosed property rights statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457.

The Commissioner is authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 07-0630.

Respectfully submitted,
GENENTECH, INC.

By: 
Mark T. Kresnak, Ph.D.
Reg. No. 42,767
Telephone: (650) 225-4461



09157

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ashkenazi et al. Serial No.: 09/665,350 Filed: September 18, 2000 For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	Group Art Unit: 1631 Examiner: Mahatan, C.
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**DECLARATION OF MARK T. KRESNAK REGARDING THE REFUSAL OF INVENTOR
NICHOLAS F. PAONI TO SIGN DOCUMENTS UNDER MPEP §§ 151 AND 409.03(d)**

Assistant Commissioner of Patents
ATTN: Licensing and Review
Washington, D.C. 20231

Sir:

I, MARK T. KRESNAK, hereby declare as follows:

1. I am a patent attorney employed by the assignee of the above captioned patent application (and all continuations, divisionals and continuation-in-part applications thereof), Genentech, Inc., 1 DNA Way, South San Francisco, California 94080.
2. I have a power of attorney in the above captioned patent application (and all continuations, divisionals and continuation-in-part applications thereof) and am authorized to sign documents related to the prosecution of these patent applications on behalf of the assignee, Genentech, Inc.
3. In response to U.S. Patent Office notices requiring the submission by Applicants of a Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 in the above captioned patent application and/or certain other related patent applications, I prepared such a Property Rights Statement and forwarded copies thereof to each of the inventors of the above captioned patent application (and all continuations, divisionals and continuation-in-part application thereof) for execution.

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4. One of the inventors to whom this statement was forwarded is Nicholas F. Paoni. The statement was sent to Mr. Paoni at his current address which is 51365 Amesbury Way, Granger, Indiana 46530.

5. Nicholas F. Paoni was named as an inventor in the above captioned patent application (and all continuations, divisionals and continuation-in-part application thereof) based upon work he performed while employed by the current assignee, Genentech, Inc. Mr. Paoni's employment with Genentech, Inc. was terminated on September 19, 2001 and he is no longer employed by Genentech, Inc.

6. Since Mr. Paoni's employment with Genentech, Inc. was terminated, Mr. Paoni has expressed to me an unwillingness to sign any documents related to the prosecution of Genentech, Inc. patent application on which he is a named inventor.

7. Based upon this unwillingness to sign documents related to Genentech, Inc. patent applications on which he is a named inventor, Mr. Paoni has refused to execute the Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 referenced above. As such, the Property Rights Statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 submitted herewith is executed by all of the named joint inventors except for Nicholas F. Paoni.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10-8-02

Signed:



Mark T. Kresnak, Ph.D.
Section Patent Counsel
Genentech, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ashkenazi et al. Serial No.: 09/665,350 Filed: September 18, 2000 For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	Group Art Unit: 1631 Examiner: Mahatan, C.
---	---

PROPERTY RIGHTS STATEMENT TO DOE AND/OR NASA (42 U.S.C. §§ 2182 and 2457) -
INVENTORS EMPLOYED BY AN ORGANIZATION

Assistant Commissioner of Patents
ATTN: Licensing and Review
Washington, D.C. 20231

Sir:

We, as joint inventors named in the above captioned patent application and the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A, hereby declare with respect to the invention(s) described and claimed in the above captioned patent application and in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A that:

1. We made and conceived (a) the invention described and claimed in the above captioned U.S. patent application Serial No. 09/665,350 filed in the United States of America on September 18, 2000 and entitled "Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same" and (b) the invention(s) described and claimed in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A (henceforth the "Inventions");

2. We made and conceived these Inventions while employed by Genentech, Inc., 1 DNA Way, South San Francisco, California, 94080;

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3. These invention(s) are related to the work we are employed to perform (or were employed to perform, if no longer employed by Genentech, Inc.) and were made within the scope of our employment duties; that these inventions were made during working hours and with the use of facilities, equipment, materials, funds, information and services of Genentech, Inc.;

4. To the best of our knowledge and belief, these Inventions were not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy;

5. To the best of our knowledge and belief, these Inventions were not made (conceived or first actually reduced to practice) under, nor is there any relationship of these Inventions to the performance of any work under any contract of the National Aeronautics and Space Administration;

6. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor

Avi Ashkenazi
1456 Tarrytown Street, San Mateo, CA 94402

Citizenship: US

Inventor's signature: Avi Ashkenazi Date: 9/5/02

Full name of second joint inventor

David Botstein
2539 Somerset Drive, Belmont, CA 94002

Citizenship: US

Inventor's signature: _____ Date: _____

Serial No.: 09/665,350
Filed: September 18, 2000

3. These invention(s) are related to the work we are employed to perform (or were employed to perform, if no longer employed by Genentech, Inc.) and were made within the scope of our employment duties; that these inventions were made during working hours and with the use of facilities, equipment, materials, funds, information and services of Genentech, Inc.;

4. To the best of our knowledge and belief, these Inventions were not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy;

5. To the best of our knowledge and belief, these Inventions were not made (conceived or first actually reduced to practice) under, nor is there any relationship of these Inventions to the performance of any work under any contract of the National Aeronautics and Space Administration;

6. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor

Avi Ashkenazi
1456 Tarrytown Street, San Mateo, CA 94402

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of second joint inventor

David Botstein
2539 Somerset Drive, Belmont, CA 94002
Citizenship: US
Inventor's signature: _____

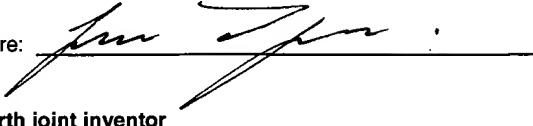
Date: 9-4-02

Serial No.: 09/665,350
Filed: September 18, 2000

Full name of third joint inventor

Luc Desnoyers
2050 Stockton Street, San Francisco, CA 94133

Citizenship: CA

Inventor's signature: 

Date: 09.19.2002

Full name of fourth joint inventor

Dan L. Eaton
45 Inverness Drive, San Rafael, CA 94901

Citizenship: US

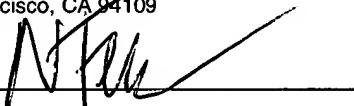
Inventor's signature: _____

Date: _____

Full name of fifth joint inventor

Napoleone Ferrara
2090 Pacific Avenue #704, San Francisco, CA 94109

Citizenship: US

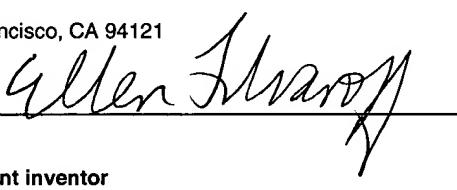
Inventor's signature: 

Date: 9-5-02

Full name of sixth joint inventor

Ellen Filvaroff
538 18th Avenue, San Francisco, CA 94121

Citizenship: US

Inventor's signature: 

Date: 9.19.02

Full name of seventh joint inventor

Sherman Fong
19 Basinside Way, Alameda, CA 94502

Citizenship: US

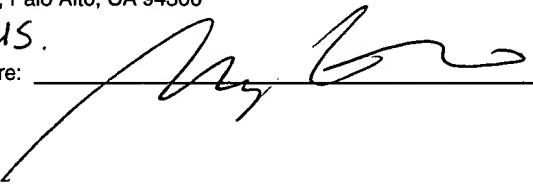
Inventor's signature: 

Date: 9.23.02

Full name of eighth joint inventor

Wei-Qiang Gao
3025 South Court, Palo Alto, CA 94306

Citizenship: ~~CA~~ US

Inventor's signature: 

Date: 9-19-2002

Serial No.: 09/665,350
Filed: September 18, 2000

Full name of third joint inventor

Luc Desnoyers
2050 Stockton Street, San Francisco, CA 94133

Citizenship: CA

Inventor's signature: _____ Date: _____

Full name of fourth joint inventor

Dan L. Eaton
45 Inverness Drive, San Rafael, CA 94901

Citizenship: US

Inventor's signature: Dan Eaton Date: 9-5-02

Full name of fifth joint inventor

Napoleone Ferrara
2090 Pacific Avenue #704, San Francisco, CA 94109

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of sixth joint inventor

Ellen Filvaroff
538 18th Avenue, San Francisco, CA 94121

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of seventh joint inventor

Sherman Fong
19 Basinside Way, Alameda, CA 94502

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of eighth joint inventor

Wei-Qiang Gao
3025 South Court, Palo Alto, CA 94306

Citizenship: CN

Inventor's signature: _____ Date: _____

Serial No.: 09/665,350
Filed: September 18, 2000

Full name of ninth joint inventor

Hanspeter Gerber
1121 Tennessee Street #5, San Francisco, CA 94107
Citizenship: CH
Inventor's signature: 

Date: 9-15-02

Full name of tenth joint inventor

Mary E. Gerritsen
541 Parrott Drive, San Mateo, CA 94402
Citizenship: CA
Inventor's signature: 

Date: _____

Full name of eleventh joint inventor

Audrey Goddard
110 Congo Street, San Francisco, CA 94131
Citizenship: CA
Inventor's signature: 

Date: _____

Full name of twelfth joint inventor

Paul J. Godowski
25 Orange Court, Hillsborough, CA 94010
Citizenship: US
Inventor's signature: 

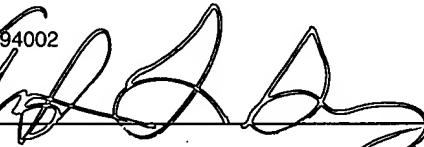
Date: 9/20/02

Full name of thirteenth joint inventor

J. Christopher Grimaldi
1434 36th Avenue, San Francisco, CA 94122
Citizenship: US
Inventor's signature: 

Date: 9/20/02

Full name of fourteenth joint inventor

Austin L. Gurney
1 Debbie Lane, Belmont, CA 94002
Citizenship: US
Inventor's signature: 

Date: 9/19/02

Serial No.: 09/665,350
Filed: September 18, 2000

Full name of ninth joint inventor

Hanspeter Gerber
1121 Tennessee Street #5, San Francisco, CA 94107

Citizenship: CH

Inventor's signature: _____ Date: _____

Full name of tenth joint inventor

Mary E. Gerritsen
541 Parrott Drive, San Mateo, CA 94402

Citizenship: CA

Inventor's signature: _____ Date: Sept 5/02

Full name of eleventh joint inventor

Audrey Goddard
110 Congo Street, San Francisco, CA 94131

Citizenship: CA

Inventor's signature: _____ Date: _____

Full name of twelfth joint inventor

Paul J. Godowski
25 Orange Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of thirteenth joint inventor

J. Christopher Grimaldi
1434 36th Avenue, San Francisco, CA 94122

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541 Parrott Drive, San Mateo, CA 94402

Citizenship: CA

Inventor's signature: _____ Date: _____

Full name of eleventh joint inventor

Audrey Goddard
110 Congo Street, San Francisco, CA 94131

Citizenship: CA

Inventor's signature: Audrey Goddard Date: Sept. 4, 2002

Full name of twelfth joint inventor

Paul J. Godowski
25 Orange Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of thirteenth joint inventor

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1434 36th Avenue, San Francisco, CA 94122

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Austin L. Gurney
1 Debbie Lane, Belmont, CA 94002

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Inventor's signature: _____ Date: _____

Serial No.: 09/665,350
Filed: September 18, 2000

Full name of fifteenth joint inventor

Kenneth J. Hillan
64 Seward Street, San Francisco, CA 94114
Citizenship: GB
Inventor's signature: Kenneth J. Hillan

Date: 9/23/00

Full name of sixteenth joint inventor

Ivar J. Klavin
811 Dell Road, Pacifica, CA 94044
Citizenship: US
Inventor's signature: _____

Date: _____

Full name of seventeenth joint inventor

Jennie P. Mather
269 La Prenda Drive, Millbrae, CA 94030
Citizenship: US
Inventor's signature: _____

Date: _____

Full name of eighteenth joint inventor

James Pan
14 Tewsley Place, Zitobicoke, ONT M9P 1N7
Citizenship: CA
Inventor's signature: _____

Date: _____

Full name of nineteenth joint inventor

Nicholas F. Paoni
51365 Amesbury Way, Granger, IN 46530
Citizenship: US
Inventor's signature: _____

Date: _____

Full name of twentieth joint inventor

Margaret Ann Roy
2960 Webster Street #4, San Francisco, CA 94123
Citizenship: US
Inventor's signature: _____

Date: _____

Serial No.: 09/665,350
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Full name of fifteenth joint inventor

Kenneth J. Hillan
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Inventor's signature: _____ Date: _____

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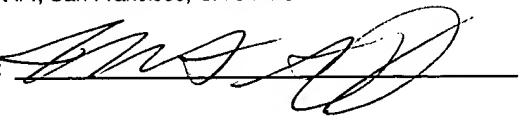
Citizenship: US

Inventor's signature: _____ Date: _____

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Citizenship: US

Inventor's signature:  Date: 

Serial No.: 09/665,350

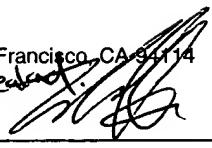
Filed: September 18, 2000

Full name of twenty-first joint inventor

Timothy A. Stewart

465 Douglass Street, San Francisco, CA 94114

Citizenship: No Yes

Inventor's signature: 

Date: 9/20/02

Full name of twenty-second joint inventor

Daniel Tumas

3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-third joint inventor

P. Mickey Williams

509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____

Date: _____

Full name of twenty-fourth joint inventor

William I. Wood

35 Southdown Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: _____

Date: _____

Serial No.: 09/665,350
Filed: September 18, 2000

Full name of twenty-first joint inventor

Timothy A. Stewart
465 Douglass Street, San Francisco, CA 94114
Citizenship: US
Inventor's signature: _____

Date: _____

Full name of twenty-second joint inventor

Daniel Tumas
3 Rae Avenue, Orinda, CA 94563
Citizenship: US
Inventor's signature: 

Date: 9/4/2000

Full name of twenty-third joint inventor

P. Mickey Williams
509 Alto Avenue, Half Moon Bay, CA 94019
Citizenship: US
Inventor's signature: _____

Date: _____

Full name of twenty-fourth joint inventor

William I. Wood
35 Southdown Court, Hillsborough, CA 94010
Citizenship: US
Inventor's signature: _____

Date: _____

Serial No.: 09/665,350
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Full name of twenty-first joint inventor

Timothy A. Stewart
465 Douglass Street, San Francisco, CA 94114
Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-second joint inventor

Daniel Tumas
3 Rae Avenue, Orinda, CA 94563
Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-third joint inventor

P. Mickey Williams
509 Alto Avenue, Half Moon Bay, CA 94019
Citizenship: US

Inventor's signature: 

Date: 

Full name of twenty-fourth joint inventor

William I. Wood
35 Southdown Court, Hillsborough, CA 94010
Citizenship: US

Inventor's signature: _____ Date: _____

Serial No.: 09/665,350
Filed: September 18, 2000

Full name of twenty-first joint inventor

• Timothy A. Stewart
465 Douglass Street, San Francisco, CA 94114

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-second joint inventor

Daniel Tumas
3 Rae Avenue, Orinda, CA 94563

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-third joint inventor

P. Mickey Williams
509 Alto Avenue, Half Moon Bay, CA 94019

Citizenship: US

Inventor's signature: _____ Date: _____

Full name of twenty-fourth joint inventor

William I. Wood
35 Southdown Court, Hillsborough, CA 94010

Citizenship: US

Inventor's signature: Willie C. Wood Date: 9/9/02

APPENDIX A

Application No.	Application Date	File No
09/904119	11Jul2001	P1618P2C10
09/904920	13Jul2001	P1618P2C11
09/903603	11Jul2001	P1618P2C12
09/904532	13Jul2001	P1618P2C13
09/903562	11Jul2001	P1618P2C14
09/904820	13Jul2001	P1618P2C15
09/903786	11Jul2001	P1618P2C16
09/904838	13Jul2001	P1618P2C17
09/905348	13Jul2001	P1618P2C18
09/905106	13Jul2001	P1618P2C19
09/904553	13Jul2001	P1618P2C2
09/903663	11Jul2001	P1618P2C20
09/905449	13Jul2001	P1618P2C21
09/902759	10Jul2001	P1618P2C22
09/904859	12Jul2001	P1618P2C23
09/902654	10Jul2001	P1618P2C24
09/905291	12Jul2001	P1618P2C25
09/902979	10Jul2001	P1618P2C26
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09/902615	10Jul2001	P1618P2C28
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09/903806	11Jul2001	P1618P2C3
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09/905381	13Jul2001	P1618P2C4
09/902572	10Jul2001	P1618P2C40
09/904805	12Jul2001	P1618P2C41
09/902692	10Jul2001	P1618P2C42
09/904658	12Jul2001	P1618P2C43
09/905056	12Jul2001	P1618P2C44
09/902736	10Jul2001	P1618P2C45
09/903520	11Jul2001	P1618P2C46
09/904786	12Jul2001	P1618P2C47
09/903640	11Jul2001	P1618P2C48
09/903925	11Jul2001	P1618P2C49
09/905075	13Jul2001	P1618P2C5
09/903823	11Jul2001	P1618P2C50
09/903943	11Jul2001	P1618P2C51
09/903910	11Jul2001	P1618P2C52
09/905363	12Jul2001	P1618P2C53
09/906838	16Jul2001	P1618P2C54
09/906815	16Jul2001	P1618P2C55

APPENDIX A

Application No.	Application Date	File No
09/906646	16Jul2001	P1618P2C56
09/906679	16Jul2001	P1618P2C57
09/906742	16Jul2001	P1618P2C58
09/906618	16Jul2001	P1618P2C59
09/903749	11Jul2001	P1618P2C6
09/906700	16Jul2001	P1618P2C60
09/906722	16Jul2001	P1618P2C61
09/906666	16Jul2001	P1618P2C62
09/906760	16Jul2001	P1618P2C63
09/906777	16Jul2001	P1618P2C64
09/906598	16Jul2001	P1618P2C65
09/907942	17Jul2001	P1618P2C66
09/908093	17Jul2001	P1618P2C67
09/907575	17Jul2001	P1618P2C68
09/907613	17Jul2001	P1618P2C69
09/904485	13Jul2001	P1618P2C7
09/907824	17Jul2001	P1618P2C70
09/907728	17Jul2001	P1618P2C71
09/907841	17Jul2001	P1618P2C72
09/907652	17Jul2001	P1618P2C73
09/907794	17Jul2001	P1618P2C74
09/907925	17Jul2001	P1618P2C75
09/907979	17Jul2001	P1618P2C76
09/907745	17Jul2001	P1618P2C77
09/909064	18Jul2001	P1618P2C78
09/909088	18Jul2001	P1618P2C79
09/904011	11Jul2001	P1618P2C8
09/909320	18Jul2001	P1618P2C80
09/909204	18Jul2001	P1618P2C81
09/908576	18Jul2001	P1618P2C82
10/215371	08Aug2002	P1618P2C83
09/904462	13Jul2001	P1618P2C9